

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 29, 1980
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,
Himmelblau, Mullen, Snell, Trevino

Absent: None

INVOCATION

The Invocation was given by Reverend Dr. Leslie Green, Hyde Park Christian Church.

AUSTIN ETHNIC FOLK FESTIVAL WEEK

The week of June 2-8, 1980 has been designated as Austin Folk Festival Week, according to a proclamation read by Mayor McClellan and accepted with thanks and appreciation by Dennis Kubiak and Rocky Rivesor. Mr. Kubiak presented balloons to Council with the Coat of Arms of the Folk Festival Week printed on the balloons. Council also received their passport and button to admit them to the Festival.

YOUTH EMPLOYMENT SERVICE WEEK

Ms. Julie Secora received a proclamation, read by the Mayor, which set aside the week of May 26-31, 1980 as Youth Employment Service Week. Ms. Secora thanked Mayor McClellan for the proclamation.

PROJECT SNAP WEEK

Mr. Erasmo Andrade thanked the Mayor for the proclamation she read which designated the week of June 2-6, 1980 as Project Snap Week.

MAYFEST SOUTH DAY

Saturday, May 31, 1980, will be Mayfest South Day in Austin. Councilmember Trevino read the proclamation for this day, and presented it to Moses Saldana, who accepted it with his thanks and appreciation.

U.S. 183 NORTH PARK-AND-RIDE WEEK

Dr. Jim Benson, Acting Director of Urban Transportation; Mr. Tom Parker, General Manager, Austin Transit System; and Mr. Bill Moore, Chairman, Urban Transportation Commission, were in the Council Chamber to receive, with their appreciation, a proclamation designating the week of June 2-6, 1980 as U.S. 183 North Park-And-Ride Week, read by Councilmember Himmelblau.

SAFE BOATING WEEK

Councilmember Mullen read and presented to Wade Geraghty, Past Commander of Austin Power Squadron, a proclamation which states Safe Boating Week will be observed in Austin June 1-7, 1980.

RESOLUTION FOR MARY HOLMAN

The Mayor and Councilmembers affixed their signatures to a Resolution presented to Mrs. Mary Holman upon her retirement as a registered nurse in the Obstetrical Unit of Brackenridge Hospital. Her resignation culminates 33 years of service to the city's hospital. Mrs. Holman thanked the Council for the Resolution.

RESOLUTION FOR EMMA DAVIS

Mrs. Emma Davis, who is retiring as Cafeteria Service Supervisor, after more than 30 years with the City of Austin's Brackenridge Hospital, received a Resolution which was read by the Mayor and signed by all Councilmembers. Mrs. Davis thanked the Council for the honor.

RESOLUTION FOR NORMAN McK. BARKER

After 19 years of service to the citizens of Austin, Norman McK. Barker, Finance Director, was cited in a Resolution, at the time of his retirement. Mayor McClellan read the Resolution, which was signed by all Councilmembers. Mr. Barker accepted it with his appreciation and said his association with fellow employees of Austin, and with City Manager Dan Davidson, made his working years a gratifying experience.

MINUTES APPROVED

Councilmember Cooke moved that the Council approve the Minutes of the Meeting for May 15, 1980. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Trevino
Noes: None

LEASE AGREEMENT

Councilmember Trevino moved that the Council adopt a resolution to enter into a Lease Agreement with Travis Properties for space in the Travis Building for the Police Department Programmers. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

EMINENT DOMAIN PROCEEDINGS

Councilmember Trevino moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tract of land for the North Lamar Transit Terminal:

6.44 acres of land out of Lot Two, Ben Hur Subdivision. (Arvid L. Steen-Ken, et al, owners)

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize eminent domain proceedings to acquire the following tract of land for Rutland Drive Street Improvements:

1,409 square feet of land out of Lot 2, Anderson-Del Giudice Subdivision, Section One. (William F. Howard, owner)

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

RELEASE OF EASEMENTS

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easements:

A 10' Public Utility Easement centered on the property line between Lots 1 and 2, and a 20' drainage easement crossing the front of Lots 1 and 2, Western Hills Subdivision. (6809 Brodie Lane)

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easement:

A 10' Public Utility Easement located adjacent to the rear line of Lot 21, Block "Y", Northwest Hills, Cat Mountain Section, locally known as 6208 Cat Mountain Cove. (Requested by Mr. Jack T. Brown, owner)

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

CHANGE ORDERS

Councilmember Trevino moved that the Council adopt a resolution to approve a Change Order in the amount of \$60,503.20 to Austin Roads Company for Stassney Lane Improvements, Phase II. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve a Change Order in the amount of \$50,000 to General Electric Company for increased amount in the disassembly, inspection and repair of Holly No. 4 Turbine-Generator. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

AUCTION OF SURPLUS VEHICLE AND EQUIPMENT

Councilmember Trevino moved that the Council adopt a resolution to approve the disposal by Auction method on June 7, 1980, surplus vehicle and equipment, including any items which may sell for \$5,000 or more. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

CONTRACTS APPROVED

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

TRITON ENVIRONMENTAL EQUIPMENT	- Filter Sand, Water and Wastewater
6001 W. 28th Avenue, Suite #201	Treatment
Edgewater, Colorado	Twelve (12) Month Supply Agreement
	Item 1, 720 tons - \$31,501.00

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

J. R. FLANAGAN CONSTRUCTION CO., INC.	- CAPITAL IMPROVEMENTS PROGRAM -
6011 South General Drive	Construction of underground
Temple, Texas	electric distribution facilities
	for Whispering Oaks Valley,
	Section 1 - \$47,225.30
	C.I.P. No. 80/17-01

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

GENERAL ELECTRIC COMPANY
1600 N. E. Loop 410, Suite 236
San Antonio, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Power circuit breaker for Holly
Power Plant, Electric Utility
Department
Item 1, 1 ea. - \$6,947.00
C.I.P. No. 79/12-01

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

BURNUP & SIMS OF TEXAS, INC.
2716 East Fifth Street
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Construction of electric ductline
on Trinity Street and East First
Street - \$66,430.00
C.I.P. No. 80/15-02

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

MILLER BLUEBRINT COMPANY
501 West 6th Street
Austin, Texas

- Electronic Distance Meter,
Electric Utility Department
Item 1, 1 ea. - \$5,590.00

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

AUSTIN ENGINEERING COMPANY
6304 West Bee Caves Road
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Tillery Area Drainage Improvements
\$491,633.00 C.I.P. No. 78/07-06

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

DEPARTMENT OF ENERGY GRANT FUNDS

Councilmember Trevino moved that the Council adopt a resolution to authorize application for Department of Energy Grant Funds for activities required to satisfy the requirements of the Public Utilities Regulatory Policy Act in the form of a joint application by the City of Austin and the City of Garland, with Austin designated as the lead city and Planergy, Inc., designated as the consultant. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

ARCHITECTURAL SERVICES

Councilmember Trevino moved that the Council adopt a resolution to select the firm of Nutt Wolters & Associates for architectural services for the construction of Police Parking Garage, CAPITAL IMPROVEMENTS PROGRAM No. 80/87-02. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

ENERGY MANAGEMENT PLAN - BRACKENRIDGE HOSPITAL

Councilmember Trevino moved that the Council adopt a resolution to select the firm of Energy Engineering Associates for professional engineering services to provide technical assistance for development of an Energy Management Plan for 4 units at Brackenridge Hospital. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

AIRPORT TERMINAL BUILDING

Councilmember Trevino moved that the Council adopt a resolution to modify Federal Aviation Administration lease covering government occupied premises in the airport terminal building. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

URBAN MASS TRANSPORTATION ACT

Councilmember Trevino moved that the Council adopt a resolution to authorize application for a technical planning grant under Section 8 of the Urban Mass Transportation Act of 1964 for Project No. TX-09-0138 in the amount of \$60,000. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

ENERGY MANAGEMENT CONSERVATION PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to authorize a grant application to the Texas Energy and Natural Resources Advisory Council for a Comprehensive Community Energy Management Conservation Program. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

INTEGRATED CRIMINAL PROGRAM

Councilmember Trevino moved that the Council adopt a resolution to authorize submission of an application entitled "Integrated Criminal Program (ICAP)/3" to the Law Enforcement Assistance Administration LEAA in the amount of \$240,001. (Local cash match \$108,001; Federal Share \$132,000) The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan
Noes: None

RESOURCE CENTER STUDY

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY ACCEPTING AND APPROPRIATING \$750.00 FROM THE TEXAS COMMISSION ON THE ARTS FOR THE PURPOSE OF FUNDING A PROJECT ENTITLED "RESOURCE CENTER STUDY"; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Councilmember Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

"NO CHARGE" BUS FARE FOR MAYFAIR EVENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A SPECIAL TRANSIT FARE, NO CHARGE, FOR CITIZENS 65 YEARS OF AGE OR OLDER FOR SATURDAY, JUNE 7, 1980; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective May 29, 1980. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Councilmembers Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

DENTAL HEALTH ADVISORY COMMITTEE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1-21 OF THE 1967 CODE OF THE CITY OF AUSTIN; PROVIDING THAT NON-RESIDENTS OF THE CITY MAY BE MEMBERS OF THE DENTAL HEALTH ADVISORY COMMITTEE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Councilmembers Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

GOLD CROSS AMBULANCE FRANCHISE

Mayor McClellan introduced the following ordinance:

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the ordinance awarding a franchise to Gold Cross Ambulance to reflect the actual date of that franchise. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Councilmembers Cooke
Noes: None

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 7, BLOCK 2, OAKMONT HEIGHTS, LOCALLY KNOWN AS 1912 WEST 35TH STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Iva Belle Fleming, C14-79-231)

The ordinance was read the first time, and Councilmember Himmelblau moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Councilmember Cooke
Noes: Councilmembers Goodman, Himmelblau, Snell

The Mayor announced that the ordinance had been passed through first reading only.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2.065 ACRE TRACT OF LAND, LOCALLY KNOWN AS 2411 OAKCREST STREET, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Most Reverend Vincent M. Harris, C14-78-179)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,
Cooke

Noes: None

Abstain: Councilmember Snell, Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 8-A, RESUBDIVISION OF LOT 8, BLOCK J, GEORGIAN ACRES, LOCALLY KNOWN AS 201 EAST RUNDBERG LANE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Liberty Insurance Agency, C14-78-246)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan

Noes: None

Abstain: Councilmembers Goodman, Cooke

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 72.43 ACRE TRACT OF LAND OUT OF THE JAMES P. WALLACE SURVEY, LOCALLY KNOWN AS 7217-7223 NORTH LAMAR BOULEVARD, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Janice Nolley, C14-79-244)

The ordinance was read the third time, and Councilmember Himmelblau moved that it be finally passed. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,
Councilmember Cooke

Noes: None

Abstain: Councilmembers Goodman, Snell, Trevino

The Mayor announced that the ordinance had been finally passed.

ENERGY CONSERVATION PLAN

The following City Manager Report on the Energy Conservation Plan was presented to Council by Pieter Sybesma, Administrator, Office of Energy and Renewable Resources.

"At the December 13, 1979 City Council meeting, Council requested staff review of the Energy Conservation Plan proposed by the Energy Conservation Commission with primary attention focused on costs for implementation.

"The Energy Conservation Plan called for the creation of a City Conservation Coordinator which the City Council approved and funded in March 1980 as the Office of Energy Conservation and Renewable Resources.

"The Energy Conservation Plan also called for a review of the City's energy use to assure that the City, as an organization, was doing what it could to conserve energy. Work on this portion of the plan has begun with the formation of a steering committee representing five City Departments and the Office of Energy Conservation and Renewable Resources.

"The third component of the Plan addressed a process involving citizen participation to develop a conservation program for the citizens of Austin. The Comprehensive Community Energy Management Program, funded by the Texas Energy and Natural Resources Advisory Commission, will allow the implementation of the third portion of the proposed Energy Conservation Plan.

"City Council may adopt the Energy Conservation Plan at this time, or wait until the City is advised of the outcome of the CCEMP grant application. If the CCEMP grant is not funded, the City can implement the third portion of the Energy Conservation Plan by funding an additional person and associated expenses for this activity in the 1980-81 Operating Budget."

Councilmember Himmelblau asked, "If we approve it and the grant doesn't come through are we locking in another position in next year's budget?" Mr. Sybesma said, "To implement it in October it would require an additional person to address the community involvement." Councilmember Himmelblau said she thinks the concept of the program is fine but does not know if she is ready to commit to next year's budget, which she has not yet seen.

Councilmember Cooke asked if the grant application is going to be made. Mr. Sybesma told him, "We are proceeding with the grant. The application we prepared is based, in large part, to the proposed Energy Conservation Plan that relates to the citizen participation portion. If we are funded, and we hope to have a decision by late June, then we can implement the entire plan as presented to the Council by the Energy Conservation Commission." Councilmember Cooke said, "I'd like to request, if I could, regarding this grant and the \$50,000 grant requested by the Renewable Resources Commission, Department of Energy, if I could be provided information on the grants, the numbers and where we think they are. As a member of the Local Government Advisory Committee to Secretary Duncan, I would like to at least go forth with that information and see what I could do to enhance those grants. I would appreciate if you could give me all of that so I might be able to assist you as much as possible." Mr. Sybesma told him, "The grant you approve today is a grant to the Texas Energy and Natural Resources Advisory Council, a state grant." Mr. Davidson told Councilmember Cooke he will get the information for him which he needs, and in addition will come back and periodically keep Council advised as to how the grant application stands.

AUDITORIUM AND COLISEUM RATE ADJUSTMENTS

Mr. Ron Wood, Director, Auditorium and Convention Center, presented the following City Manager's Report on Auditorium and Coliseum Rate Adjustments, in conjunction with the ordinance Council had before it to consider establishing new auditorium and coliseum rental rates.

"May 17 marks the first anniversary of the 1979 Council approved rate adjustment for Auditorium - Coliseum facilities. This rate adjustment was the first in six years and provided major changes in rental procedures as well as prices. The rate adjustment's success has surpassed expectations. Rental revenues are up 27%, and no user organizations have been priced out of the market. The following additions and deletions to the rate schedule are recommended to round out the rate adjustment approved last year by City Council.

"Recommendation 1: Develop a late hours rental rate.

The current rate schedule allows rental from 6 a.m. until 12 midnight. Events are allowed to go until 1 a.m. on Saturday nights at no charge. These limits originally were based on liquor law restrictions and a general lack of demand by the public for late hours use. The new concessionaire has obtained a late hours permit which eliminates the legal restrictions, and several user organizations have expressed an interest in periodic use beyond current hours. For these reasons, it is recommended that a cost of services late hours rate be set for all use between 12 midnight and 6 a.m.

"The recommended rate for late hours use is \$75.00 per hour between midnight and 2 a.m. and \$50.00 per hour between 2 a.m. and 6 a.m. These rates include event labor, administrative labor and utilities. The disparity between costs for the first two hours and the last four is due to the need for increased staffing during the midnight to 2 a.m. period. After 2 a.m., most parties and dances must end due to liquor laws, and the type events needing time beyond the usual party hours traditionally require less staffing.

"As in all rental cases, the late hours rental will be offered only with prior consent of Auditorium - Coliseum management to prevent collection or clean-up problems.

"Recommendation 2: Develop a rental rate for the new electronic marquee.

The new electronic marquee, or billboard, at Municipal Auditorium has several positive features relating to client and patron satisfaction. One of the most valuable features of the sign to clients wishing to lease the Auditorium is it's ability to serve as an advertising medium. For this purpose, it is recommended that a rental rate be authorized to allow Auditorium and Coliseum leasing groups the opportunity to rent advertising space on the marquee before their event.

"The recommended rate is \$50.00 per board per eighteen hour day. This rate assumes that the 200 potential commercial renters will, on average, rent one day each for advertising during the year. At \$50.00, the return from rentals will offset the \$10,000 annual cost of operation for the marquee.

"The \$50.00 rate will be acceptable to renting organizations because it is below the cost of comparable advertising media. Average costs per thousand people reached in Austin are listed below.

Cost per thousand in primary rental periods

Television	\$3.00
Radio	\$2.83
Newspapers	\$1.02 (1/4 page ad)
Auditorium Marquee	\$.77

"This recommendation for marquee rental is not meant to compete with other local advertising media. It is offered to provide a service to leasing organizations, offset the cost of marquee operation and increase attendance at facility events.

"Recommendation 3: Eliminate kitchen rental from the current rate schedule.

Currently, kitchen facilities in the Auditorium are rented for \$50.00 per day. Because demand is limited, annual revenue averages only \$300.00. The cost of upkeep exceeds this. It is recommended instead that the new concessionaire, Volume Services, be allowed use of the kitchen provided they bear the costs of operation and upkeep.

"Volume Services was awarded the concession contract for Auditorium-Coliseum facilities in October, 1979. The increase in service levels and revenues has been impressive since they assumed the contract. Concession revenues in the first six months of operation have exceeded last year's first six months by \$33,713.00. When price increases and added events are compensated for, the effective increase is still 23.3% over last year.

"With Volume Services doing most facility catering, the increase in catering over last year's first six months is 13%. This figure is deceptively low since half of last year's first six months catering revenue came from the Governor's Inaugural, a non-annual event.

"These major revenue increases make it beneficial to all parties concerned that the new service have as much support as possible in providing food service.

"The three recommendations here are offered to increase patron satisfaction and are based on the policy that Auditorium - Coliseum facility users should bear the costs of providing services. Staff is prepared to implement any or all of these changes as soon as Council approval is obtained."

Motion

Councilmember Himmelblau moved that the Council waive the requirement for three readings and finally pass an ordinance to establish new auditorium and coliseum rental rates as recommended. The motion was seconded by Councilmember Cooke.

Substitute Motion

Councilmember Trevino made a substitute motion that the Council charge the same auditorium and convention center rental fee until 1:00 a.m. and \$75.00 from 1:00 a.m. to 2:00 a.m. The motion was seconded by Councilmember Snell.

Councilmember Snell commented that fraternities and sororities cannot get the extra money which will be needed for higher rates. Councilmember Trevino said families who rent the facilities for parties will also have difficulty obtaining the extra fee. After some discussion the roll was called:

Roll Call - Substitute Motion

Ayes: Councilmembers Snell, Trevino, Goodman

Noes: Councilmember Mullen, Mayor McClellan, Councilmembers Cooke, Himmelblau

Substitute Motion Made and Withdrawn

Councilmember Goodman offered a substitute motion to maintain the same charge from 6:00 a.m. to 1:00 a.m.; charge \$100.00 from 1:00 a.m. to 2:00 a.m.; charge \$50.00 from 2:00 a.m. to 6:00 a.m. After some discussion Councilmember Goodman withdrew his motion.

Roll Call on Original Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A LATE HOURS RENTAL RATE FOR AUDITORIUM - COLISEUM FACILITIES; ESTABLISHING A SEPARATE RENTAL RATE FOR THE NEW ELECTRONIC MARQUEE; AMENDING ORDINANCE NO. 790517-B BY ELIMINATING THE RENTAL FEE FOR USE OF KITCHEN FACILITIES AT THE AUDITORIUM; AND DECLARING AN EFFECTIVE DATE.

The ordinance was read the first time, and Councilmember Himmelblau moved that the ordinance be passed to its second reading. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mullen
Noes: Councilmembers Snell, Trevino, Goodman

The Mayor announced that the ordinance had been passed through first reading only.

STABILITY PAY

The City Manager Report on Stability Pay was presented by Mr. Jimmie Flakes, Director of Personnel, as follows:

"I have discussed with Hugh Standifer, Data Systems Administrator and Monty Nitcholas Finance Director, the feasibility, costs and problems associated with the identification/separation of the annual stability payment to City employees. It was agreed upon by the three of us that this issue presents few problems to either the personnel, finance or payroll systems and that it is feasible to improve either the identification or the separation of the payment. There are, however, some cost associated with separation (printing a separate check) which are not associated with identification of that payment as part of the bi-weekly payroll check.

"As you are aware, employees who have completed at least six years continuous full-time service by December 1 of any year qualify for stability pay. This payment, based on 1/4 of 1% of base pay for each year of service up to 12 years (3%), is paid in a lump sum within the first two weeks of December in the regular paycheck. The option that is currently planned in the payroll system improvements by Data Systems is to print on the check stub a notation that the check includes a gross amount of stability pay. This option costs nothing additional as it is part of the already planned program.

"If it is desired that the check stub indicate a net amount as opposed to a gross amount, the additional cost will be approximately \$1,550 for program development, programming time, and a test run. The decision to implement this option needs to be made by June 13 in order that Data Systems can include this in their new program format.

"The third option is to separate the payment and issue a separate check to all employees eligible for stability pay. This option would cost approximately \$1,792 for program development, programming, test time, check printing and check stock. This decision also needs to be made by June 13, 1980.

"As was previously stated, there really are no significant problems with this issue and either option can be implemented by December 1 of this year. I recommend Option 1, printing the gross amount on the regular check, rather than printing approximately 3,151 separate checks in December. It would save a little money and reduce some handling problems, but it may be insignificant enough that we can afford the potential positive impact of providing an additional check to employees in December."

Councilmember Cooke asked if there would be any differences in cost of social security or taxes if it came out of a joint check as opposed to a separate check. Mr. Flakes said he does not know the answer but thinks it would be paid on the total amount of salary the employee receives.

Councilmember Goodman recommended Council adopt Option 3. He thought the separate check would be a token of the feeling of Christmas. The Mayor felt the spending of an extra \$2,000 to do so would be money better spent on a service agency.

Motion

Councilmember Mullen moved that the Council adopt Option 1 for Stability Pay identification. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell
Noes: None

SEXUALLY ORIENTED COMMERCIAL ESTABLISHMENTS ORDINANCE

Council had before it for consideration amendments to the Sexually Oriented Commercial Establishments Ordinance, which, as Mr. Albert De La Rosa stated, was passed on May 22, 1980. He pointed out that at the public hearing on this ordinance, various amendments were suggested. The Council requested that these amendments be brought back to the Council for action if deemed appropriate. They are as follows:

- "1. Regulated Uses should be permitted only in "C" districts.

Our recommendation would be that this be handled as a separate amendment to Section 45-23. Staff would need to pinpoint where regulated uses are permitted in districts more restrictive than "C"; this amendment would then, like the amendment prohibiting nude modeling studios in "O" Office districts, be taken to the Planning Commission.

2. The 500 foot spacing requirement is too small; 1,500 feet is more appropriate.

The City Council is the final arbiter of this point and must exercise its own discretion as to what is a reasonable requirement, with the understanding that the City Council must make a finding that there will still be plenty of locations in Austin available to

persons who desire to engage in a regulated use. Dick Lillie, for example, testified that with the 500 foot spacing requirement, this would be the case.

3. "A-2" districts should be included within the list of zoning districts 500 feet from which no regulated use could be located.

Since the intent of Section 45-59 was to include all residential districts, the newly created "A-2" district should be added there in. We recommend this amendment.

4. Child care and eleemosynary facilities should be included within the list of uses 500 feet from which no regulated use could be established.

Again this seems to be a reasonable suggestion and we recommend such amendment to Section 45-59.

5. A regulated use should be made to comply with the ordinance at the end of its lease.

We cannot recommend such an amendment due to enforcement problems (how will the City know when a particular lease has expired) and because of constitutional concerns (as a non-conforming use, under the law, the business has the legal right to remain in operation).

6. Regulated uses should keep their doors closed and noise limits should be established.

Since the stated intent of this ordinance is not to infringe upon the First Amendment rights of operators of regulated uses, we cannot recommend the first suggestion. Neither can we recommend the other, since such regulations would not come under the ambit of a zoning ordinance.

7. The owner of a regulated use should not be allowed to sell to another.

This suggestion has serious constitutional problems relating to the ownership of property and cannot be recommended."

Councilmember Mullen questioned the 500' provision of the ordinance. Mr. Lillie, Director of Planning, told Council, "When we looked at the 500' provision in the ordinance which had been drafted we found that about 45 of the 105 zoning maps we have in our book provided space for these kinds of businesses without encroaching into the schools or church "B" or more restrictive zoning. We have not looked at it with 1500'." Mr. Lillie said he could report back on this in two weeks.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 800522-N (SEXUALLY ORIENTED COMMERCIAL ESTABLISHMENTS ORDINANCE), AND SECTION 45-59 OF THE 1967 CODE OF THE CITY OF AUSTIN BY ADDING CERTAIN LOCATIONS 500 FEET FROM WHICH NO REGULATED USE MAY BE LOCATED; PROVIDING THAT THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS IS HEREBY SUSPENDED; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, with amendments 3 and 4, on an emergency basis. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Trevino

Noes: None

The Mayor announced that the ordinance had been finally passed.

Amendment 1 is to go back to the Planning Commission; Amendment 2 will be brought back to Council June 12, 1980.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

HENRY H. BROOKS, JR. C14-80-046	9533-9535 North IH 35 9524-9526 Middle Fisk- ville Road	From Interim "AA" Residence 1st Height and Area To "C" Commercial 1st Height and Area RECOMMENDED by the Planning Commission
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Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District. (Ordinance follows).

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 1.024 ACRE TRACT OF LAND, LOCALLY KNOWN AS 9533-9535 NORTH I.H. 35 AND 9524-9526 MIDDLE FISKVILLE ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Henry H. Brooks, Jr., C14-80-046)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

CONWAY TAYLOR
C14-80-051

1507 North Loop

From "O" Office
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED (as amended) by
the Planning Commission

Councilmember Mullen moved that the Council grant "LR" Local Retail, 1st Height and Area District (as amended) as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District (as amended), and the City Attorney was instructed to draw the necessary ordinance to cover.

THE CONNOLLY CO.,
INC.
By John Meinrath
C14-80-053

Rear of 6000 (north
side) of Riverside
Drive

From "BB" Residence and
"LR" Local Retail
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN R. COLTHARP
By Jet Bartlett
C14-80-069

3201-3203 Manor Road

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED (as amended) by the
Planning Commission

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District (as amended), as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (as amended) and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
C14-80-072

6108-6200 Smith Oak
Trail
6109-6201 Smith Oak
Trail
5302-5303 Iris Lane

From Interim "AA" Residence
1st Height and Area
To "AA" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

May 29, 1980

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
Planning Department
C14-80-074

5506-6600 and 5507-6601
Rain Creek Parkway
6500 and 6501 Pathfinder
Drive
6500 and 6501 Delmonico
Drive and all of the
following streets:
Rising Hills Drive
Painted Valley Cove
Rising Hills Circle
Brannon Cove
Costas Cove
Floral Park Drive
Ivy Hills Drive
Amberly Place
Grand Teton Court
Mercedes Bend
Sausalito Drive
Sans Souci Place
Painted Valley Drive

From Interim "AA" Residence
1st Height and Area
TO "AA" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
Planning Department
C14-80-071

3900-4811 F.M. 2222
(Bull Creek Road)
All of the following
streets:
Palisade Drive
Palisade Court
Precipice Cove
Butte Boulevard
Leeward Court
Craggy Point
Portions of Mt. Bonnell
Road, Tortuga Trail and
F.M. 2222

From Interim "AA" Residence
1st Height and Area
To "AA" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission (Property deleted
where owners object)

Councilmember Mullen moved that the Council grant "AA" Residence, 1st Height and Area District (property deleted where owners object), as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District (property deleted where owners object), and the City Attorney was instructed to draw the necessary ordinance to cover.

CARL V. SHOOTER,
ET AL
By Planning Dept.
C14-68-187

64-74-1/2 Lynn Street
1910-2005 Garden Street

From "C" Commercial
1st Height and Area
To "A" Residence and
"B" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Mullen moved that the Council grant "A" Residence, 1st Height and Area District, and "B" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and "B" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CAULCO, INC.
C14-80-023

1208 West Avenue

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission as per site plan
that has been submitted.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman

Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

ROSA LEE PRADE
By Richard Goss
C14-80-035

6204 Farm Road 2222

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission "GR" for the building only,
noting the letter submitted by the owner,
should the building no longer be used for
a restaurant, applicant has volunteered
to notify the City and the City will
institute a rollback.

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District for the building only, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District for the building only, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BERNARD S. ANDERSON
By Elmer White and
N. D. Barker
C14-80-049

702 West St. Johns
Avenue

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission restricted to "O"
Office uses of Section 45-20(a)
4 of the Zoning Ordinance.
(consent)

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

J & T II
By Tom Curtis
C14-80-057

4224-4238 I.H. 35
1012 St. Elmo
1100-1104 St. Elmo
1200-1206 St. Elmo

From "DL" Light Industrial
1st Height and Area
To "DL" Light Industrial
2nd Height and Area
RECOMMENDED by the Planning
Commission for the area of the
sign only as per staff recom-
mendation with 100 foot
setback.

Councilmember Trevino moved that the Council grant "DL" Light Industrial, 2nd Height and Area for the area of the sign only, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "DL" Light Industrial, 2nd Height and Area District for the area of the sign only, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

TOM R. McELHENNEY
By Phil Mockford
C14-80-058

9532-9608 North
I.H. 35

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

MILDRED HANCOCK
ESTATE
By Irwin Salmonson
C14-80-059

2957-2963 West Anderson
Lane
7841-7865 Shoal Creek
Boulevard

From "GR" General Retail
1st Height and Area
To "C" Commercial
1st Height and Area

RECOMMENDED by the Planning
Commission "C" Commercial for the building
area only and noting applicant has
volunteered a restrictive covenant to roll
back when the present owner is no longer
using the facility.

Councilmember Trevino moved that the Council grant "C" Commercial for the building area only, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District for the building only, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

L. W. PARKER
C14-79-102

11920-11930 North
I.H. 35

From Interim "AA" Residence
1st Height and Area
To "O" Office
1st Height and Area

RECOMMENDED by the Planning
Commission as amended to include a six
foot cedar privacy fence on portion
abutting the residential area, to place
security lighting that will not encroach
into the neighborhood, restrict subject
property to office use only, no sex
related businesses as offered by the
applicant.

Councilmember Trevino moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, as amended, subject to conditions. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

C. B. CARPENTER
AND WILLIAM DAY,
JR.
C14-80-047

9002-9028 North I.H.
35

From Interim "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended

RECOMMENDED by the Planning Commission
"C" Commercial, 1st Height and Area tied
to the specific site plan submitted by the
applicant noting the landscaping as
indicated on the site plan

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

F. C. JELEN
By Penny Jelen
Dear
C14-80-054

2112 Thornton Road

From "A" Residence
1st Height and Area
To "C-1" Commercial
1st Height and Area
NOT Recommended

RECOMMENDED "C" Commercial, 1st Height
and Area as amended by the applicant for
the north 175 feet, the balance of the
tract to remain "A" Residence, by the
Planning Commission.

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

MARK AND CATHERINE
SHULAR
C14-80-064

2308 Lake Austin
Boulevard
501-503 Deep Eddy
Avenue

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended

RECOMMENDED "LR" Local Retail, 1st Height
and Area District as amended by the
applicant noting access and parking should
be reviewed by the Urban Transportation
Department, by the Planning Commission.

Councilmember Mullen moved that the Council grant "LR" Local Retail, 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

CHILDREN'S PUB-
LICATIONS, INC.
C14-79-226

1101-1109 Elm Street
also bounded by West
12th Street

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
NOT Recommended

RECOMMENDED "A-2" Residence. To include
approval of site plan as submitted.
Because of uniqueness of project the
setbacks are appropriate. Applicant has
agreed to improvements for entire width
of the alley for length of property, by
the Planning Commission.

Councilmember Mullen moved that the Council grant "A-2" Residence, 1st Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "A-2" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

PEARCE JOHNSON
By John Meadows
C14-80-056

621 Old Lockhart
Highway

From Interim "A" Residence
1st Height and Area
To "DL" Light Industrial
1st Height and Area
NOT Recommended

RECOMMENDED "LR" Local Retail, 1st Height and Area that it be tied to site plan for the Planning Commission review and the use as discussed (landscape contractor), with a 15-foot buffer of "A" 1st on the west side, by the Planning Commission.

Councilmember Mullen moved that the Council grant "LR" Local Retail, 1st Height and Area District, subject to conditions, with a 15-foot buffer of "A" Residence, 1st Height and Area District on the west side, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Himmelblau
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, subject to conditions, with a 15-foot buffer of "A" Residence, 1st Height and Area District on the west side, and the City Attorney was instructed to draw the necessary ordinance to cover.

THE OLD PLACE OF
JAMES SMITH
By Jeannie Wiginton
C14h-80-009

3414 Lyons Road

From "A" Residence
1st Height and Area
To "A-H" Residence-Historic
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Cooke moved that the Council accept the finding of fact (a), (c), (g), (h), (i), (k), (l), (m), and grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen, Snell
Noes: None

The Mayor announced that the change had been granted to "A-H" Residence-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
Planning Department
C14-80-043

6200-6204 Manchaca Road
2101-2620 Stassney Lane
5406-6604 and 5701-6605
Westgate Boulevard
2200-2310, 2301-2615 and
2500-2614 Berkeley Drive
6100-6706 and 6101-6709
Blarwood Drive
6200-6306 and 6201-6307
Buffalo Pass
6500-6722 and 6501-6721 Lancet Drive
2202-2306, 2504-2802, 2201-2305 and 2503-3803 Berkett
Drive, 2300-2618 and 2301-2611 Alford Drive and all
of the following streets:

Lewood Drive	Bayton Loop	Lewood Circle
London Drive	Harwick Circle	Dublin Drive
Berry Hill Dr.	Leeds Cove	Berry Hill Circle
Luton Cove	Whitestone Dr.	Headly Drive
Standish Dr.	Bexton Circle	Berwyn Lane
Bushnell Dr.	Gateshead Drive	Dillionhill Drive
Gateshead Cir.	Sissinghurst Dr.	Stoutwood Circle
Nordham Drive	Burnhill Drive	Birdlington Circle
Kinbrake Drive	Cannes Circle	Coatbridge Drive
Cornish Circle	Falcon Hill Dr.	Channing Circle
Lloyd's Lane	Alford Circle	Brookhill Drive
Cockburn Dr.	Burrough Drive	McGregor Drive
Cherry Crk Dr.	Carlow Drive	Burrough Cove
Baxter Drive	Hillston Drive	Boleynwood Drive
Berkeley Cove	Krollton Drive	Campden Drive
Wilton Circle and 6106-6110, 6107-6113 Buffalo Pass		
2400-2504, 2401-2509 Collins Street, and 2400-2406 Berkeley Drive		

Mr. Lillie reviewed the application by use of slides.

DAVE GAMBRILL appeared and requested properties not be deleted at owners' request, but zoned "AA" Residence. He presented a petition of 300 names with this request to Council.

A man who did not identify himself said the commercialization of the property is creating litter throughout the neighborhood.

PAM GREY, President, Southwest Neighborhood Association, said if the zoning is approved without the Leggett tract, which is the area deleted, it would cause serious problems for the whole neighborhood.

PHIL MOCKFORD, representing Nash Phillips-Copus, told Council there are 5 odd shaped tracts in the area with topography problems and it would not make sense to zone them "AA" Residence and "A" Residence.

Councilmember Goodman wondered what kind of zoning the Leggett property should have. GORDON DAVIS, representing the Leggetts, said there are drainage problems on their land and it cannot be developed. Mr. Lillie said the land is in Interim "A" now and could be used for homes, duplexes, townhomes, Planned Unit Developments (PUD's) with a density of 10-11 units per acre.

After some discussion, Jerry Harris, City Attorney, said the Planning Commission did not make recommendations for the Leggett property, so it should be sent back to them.

Motion Made and Withdrawn

Councilmember Mullen moved that the Council grant the zoning as recommended by the Planning Commission. The motion was seconded by Councilmember Goodman. Councilmember Mullen withdrew his motion.

PAULINE GAMBRELL, Vice-President, Southeast Neighborhood Association, requested Council to not allow some portions of the section to be deleted from permanent zoning.

Councilmember Goodman said he thought the Planning Commission should look at each case individually before sending them to Council. Councilmember Cooke agreed and said it may be easier for the Planning Commission to delete tracts, but it would be easier for the Council if a recommendation had already been made.

Motion

Councilmember Mullen moved that the Council grant "AA" Residence and "A" Residence, 1st Height and Area, as recommended by the Planning Commission, and send the deleted portions back to the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor
McClellan, Councilmembers Cooke, Goodman
Noes: None

The Mayor announced that the change had been granted to "AA" Residence and "A" Residence, 1st Height and Area District, and that deleted portions have been sent back to the Planning Commission, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
Planning Department
C14-80-025

2200-2212, 2500-3124
and 2707-2911 East
Second Street
1701-2111, 2501-2911 and
2500-2910 East 3rd Street
2500-2920 and 2501-2921
East 4th Street
2201-3127 East 5th St.
2200-2212 and 2201-2213
East 2-1/2 Street
2200-2412 and 2201-2411 Santa Rita Street
2200-2412 and 2201-2413 Santa Rosa Street
213-217 Chalmers Avenue
206-210 and 207-211 Chicon Street
204-206 and 205-207 Aransas Street
204-210 and 205-207 Elkhart Street
204-208 and 205-207 Caney Street
204-206 and 201-411 Canadian Street
201-415 and 300-414 Pedernales Street
200-410 and 201-409 San Saba Street
400-418 and 401-419 Pace Street
110-418 and 111-421 Pleasant Valley Road
110-420 and 111-421 Broadway Street
110-424 and 201-425 Linden Street
110-424 Tillery Street
204-206 and 205-207 Salina Street
2200-2412 and 2201-2413 Santa Maria Street
All of Matamoros Street and Prowse Lane

From "B" Residence, "C"
Commercial, "D" Industrial,
and "E" Heavy Industrial
2nd and 3rd Height and Area
To Appropriate zoning
RECOMMENDED by the Planning
Commission (Property deleted
where owners object)

Motion

Councilmember Trevino moved that the Council approve the zoning case as recommended by the Planning Commission. The motion was seconded by Councilmember Mullen.

Friendly Amendment

Councilmember Trevino offered a friendly amendment to bring back the Simms property to Council on June 12, 1980 at 6:30 p.m. Councilmember Mullen agreed.

LARRY LANGLEY, representing the trust which owns the Simms tract, appeared before Council and asked Council to proceed with the zoning today.

Councilmember Trevino suggested there be two separate motions and withdrew his first motion and amendment. (Motion withdrawn)

Motion

Councilmember Trevino moved that the Council grant appropriate zoning, as recommended by the Planning Commission, with the exception of the Simms property. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen
Noes: None

Motion

Councilmember Trevino moved that the Council postpone any action on the Simms property until June 12, 1980 at 6:30 p.m.

Councilmember Cooke said, "From previous indications I had you (Mr. Langley) were continuing to work with the community. Now you are requesting we go ahead and vote on this. Would you clarify that?" Mr. Langley stated, "We have attempted to negotiate this with the neighborhood, but Paul Hernandez called me this morning and said they did not want to negotiate on it. So with no partner to negotiate with, I think we are ready to proceed and lay the cards on the table at this point." It was explained to Council that the property in question is zoned "D" Industrial, but Mr. Langley said his client is willing to back off to a lesser zoning. Councilmember Trevino said it would take 6 votes of the Council to grant a roll back of the zoning against the wishes of the property owner. He pointed out that Councilmember Snell has left the Council Chamber for the noon hour and in similar cases, in order to give everyone an equal chance, they postpone this type of issue until there is a full Council. Mr. Harris said this case is not like the one heard prior to this one because there is a recommendation from the Planning Commission, therefore, does not need to go back to them.

PAUL HERNANDEZ appeared before Council and said he had rejected Mr. Langley's compromise offer from "D" to "DL" because, in his opinion, it would not help the neighborhood. "The reason we are asking for an extension of the public hearing is the same reason that when you have public hearings and people have to work, it is hard for the other homeowners who have just as much to say and can't make it. That's one of the reasons we would ask for the extension of the public hearing. ...We are in a delicate area and need to have something that would protect the school area, and the neighborhood area. If we can work out something with Mr. Langley, then that will be fine."

Mr. Langley reappeared and stated for the record, "Let me say our conversation this morning was that 'we want "A" residential' - period - I think that is what was said to me and I don't know how much negotiating that leaves them."

YOLANDA DOW, representing Barrio Unida of Santa Rita, asked Council for a "roll back or extension."

Motion Amended and Seconded

Councilmember Trevino amended his motion to continue the action on the Simms property July 17, 1980 at 7:00 p.m. The motion was seconded by Mayor McClellan.

A man who identified himself as a property owner on Santa Rita said he does not understand what Mr. Langley wants to do but asked Councilmembers to walk in the area with him and see who would be effected, who would be displaced. He said there are quite a few people living on fixed incomes and he feels "A" Residence zoning for the area is very appropriate.

Roll Call on Amended Motion

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmembers
Himmelblau, Snell

Mr. Lillie, Director of Planning, told Council, "We received a letter this morning from MS. STELLA BOYD. Her property is located at the southwest corner of East 2nd Street and Pleasant Valley Road. Mr. Les Procter is here this morning and would like to discuss with you the possibility of deleting that property as well."

Motion to Reconsider

Councilmember Mullen moved that the Council reconsider property at East 2nd and Pleasant Valley Road (2715 East 2nd and 112 Pleasant Valley Road) considered in Zoning Case C14-80-025. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Motion to Reconsider

Councilmember Mullen moved that the Council reconsider Zoning Case C14-80-025. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Trevino

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

MR. LES PROCTER, representing Stella Boyd, appeared before Council and stated, "After I arrived here this morning I ran into Mr. Alvarez who asked me to express his feelings about this matter, too. I took Ms. Boyd's letter and put his signature to it too because I feel he has the same interest in the property. Mr. Alvarez occupies the corner lot, it is a very small lot he occupies with the house. The number is 2717. Ms. Boyd owns 2715 and she also owns the lot that is immediately south of Mr. Alvarez, which is 112 Pleasant Valley Road. All of this property is cut off and walled off by a beer tavern called the "Red Lantern Inn" and by a wrecking yard. Presently it is zoned "C" Commercial. If it is rolled back in any way, it isn't going to add one thing to the neighborhood as long as that beer tavern is there. They sit in the shadow of the tavern and wrecking yard. Unless those things are deleted, there is no way "A" residential would be agreeable, and there is no way the property could be sold."

Councilmember Cooke pointed out that the property across the street from that which Mr. Procter is talking about is "A" residential. Two properties to the west are commercial, but Councilmember Cooke said the property across the street and catty-corner should also be considered in the decision.

Motion

Councilmember Trevino moved that the Council uphold the Planning Commission and grant appropriate zoning, except delete the Simms property (201-307 Linden Street), with the hearing on the Simms property continued to July 17, 1980 at 7:00 p.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,
Trevino, Mayor McClellan
Noes: None
Not in Council Chamber when roll was called: Councilmember
Snell

The Mayor announced that appropriate zoning had been granted, except delete the Simms property, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN NOELL
By Elbert Hooper
C14-80-052

1610 Wheless Lane

From "A" Residence
1st Height and Area
To "B" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission only on the north portion of
the tract as shown on the site plan sub-
mitted, the zoning tied to the site plan.

Councilmember Trevino moved that the Council grant "B" Residence, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zoning Cases to be Continued

A.I.S.D. AND	700-720 East First Street	From "UND" Undesignated
CITY OF AUSTIN	101-121 Sabine Street	To "GR" General Retail
By David Armbrust	100-120 Interstate Highway	2nd Height and Area
C14-80-067	35 North	RECOMMENDED by the Planning Commission

Mr. Lillie reviewed the application by use of slides. Councilmember Himmelblau said she wanted to know the staff's reasoning for being against the Second Height and also ask when the Landmark Commission will consider the "H" zoning. Mr. Lillie told her the reason for the 2nd Height and Area recommendation "is that the Commission and Council have consistently asked that the first 200 feet off of major roadways be the 1st Height and Area District, and behind that they can go to 2nd or higher. The other reason was, the existing building, if it is going to be used, will fit within the First Height and Area zoning. We asked the Building Inspection Department to go out and look at it and that was also their judgement. It was felt also that if a sign were to be placed on the property, that it would be in our interest not to have a tall sign on IH 35, so 1st Height and Area would take care of that. The applicant has agreed with the limitations of signs."

DAVID ARMBRUST, representing the applicant, said the only reason they requested 2nd Height and Area is because they had someone go out and measure the building and it is more than 35 feet high. It is at least 42 feet high. He said they have requested Historic zoning and offered a restrictive covenant to provide that if the building is destroyed, a new structure would not be higher than "GR" General Retail, 1st Height and Area District. They have also agreed no sign constructed on the area will be above 1st Height and Area.

Motion

Councilmember Himmelblau moved that the Council approve the zoning change with restrictive covenants: (1) if building destroyed, a new structure would not be higher than "GR" General Retail, 1st Height and Area District, and (2) no sign constructed on the area will be above 1st Height and Area District. The motion was seconded by Councilmember Mullen.

PAUL HERNANDEZ said he was caught unaware of the plans the Austin Independent School District (A.I.S.D.) has for the building as well as the people who intend to buy the building. He said the School District did not advise anyone in the district about the transaction. He asked the Council to postpone a decision until he knows what the building will be used for.

Mr. Armbrust said they would agree to a delay but was unaware that Mr. Hernandez would be interested in this. "We did meet with the Waller Creek Neighborhood Association. It is my understanding they had no objection to what is planned for the building. What is planned is a renovation of the structure into office and retail space.

Substitute Motion

Councilmember Trevino made a substitute motion to postpone until June 26, 1980 at 10:00 a.m. and take action at that time. The motion was seconded by Councilmember Goodman.

WOODROW SLEDGE, representing A.I.S.D., stated, "Prior to the bidding advertisement for this building, we had queries from two Hispanic groups and when we advertised the property for sale, we were not content with just putting it in the paper. We made a point of sending them the information about the bidding of the property. I wanted to make sure you know that."

Councilmember Mullen stated, "I have an objection that just because one or two people didn't get the word, we just roll over and say 'postpone.' I think it has been advertised and handled and you went the extra mile going to the Hispanic groups already and I think we should stick with the original motion."

Roll Call on Substitute Motion

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan

Noes: None

The Mayor announced that the case had been postponed.

CARL S. RUNDBERG,
NOAH PHILLIPS
By George Human
C14-79-263

106-300 East Rundberg
Lane

From Interim "AA" Residence
1st Height and Area
To "O" Office and
"BB" Residence
1st Height and Area
NOT Recommended

RECOMMENDED by the Planning Commission
"LR" Local Retail, 1st Height and Area
on the .68 acre tract; "O" Office, 1st
Height and Area on the small tract across
the street with no access to Rundberg
Lane; "A-2" Condominium zoning on the
balance.

Mr. Lillie reviewed the application by use of slides.

MR. GEORGE HUMAN, representing the applicant, said they have discussed the "A-2" Condominium zoning with the neighborhood and taken care of their concerns.

MICHAEL KELLUM, who owns property across the street, stated he supports the proposal for condominiums.

SHAWN DOYLE, representing the North Creek Community Association, presented a petition against the zoning with over 300 signatures.

Motion - Died for Lack of Second

Councilmember Cooke moved that the Council approve the zoning request subject to review of the traffic as part of the site plan. There was no second to the motion.

Motion

Councilmember Goodman moved that the Council deny the zoning request. The motion was seconded by Councilmember Trevino.

Mr. Human returned and asked if the case can be sent back to the Planning Commission, since there is not a full Council present and the petition is a surprise to him.

Roll Call on Motion - Failed

Roll call showed the motion failed to carry by the following vote:

Ayes: Councilmembers Trevino, Goodman
Noes: Councilmember Mullen, Mayor McClellan, Councilmember Cooke
Not in Council Chamber when roll was called: Councilmembers Snell, Himmelblau

Motion

Councilmember Mullen moved that the Council continue the hearing until June 12, 1980 at 6:30 p.m. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mullen
Noes: None
Not in Council Chamber when roll was called: Councilmembers Snell, Himmelblau

The Mayor announced that the zoning case had been continued.

MR. AND MRS. JOHN
PRATT
By Barbara Harris
C14-80-048

605-607 West Mary
Street

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the Planning
Commission

MS. BARBARA HARRIS, who represented the applicant, said the property in question is next to her mother's land. She wants to buy the land and turn part into a parking lot for the garage located at South 1st and West Mary. Mrs. Harris stated they had amended their application to "O" Office.

The owner of Big "G" Tire Company appeared before Council. He said he owns a garage and needs the additional parking area for his workers and customers.

MS. MELON McPHAUL, a resident in the area, told Council there is congestion now and she felt the granting of zoning for parking would prevent future accidents because the garage customers could park off the street.

MR. RON BREY, speaking for South Austin Citizens Advisory Board, said the granting of the zoning change would set a precedent for a domino effect as both sides of South 1st along West Mary is "A" residential.

It was decided to continue this hearing when all Councilmembers are in attendance.

Councilmember Goodman moved that the Council continue the hearing until June 12, 1980 at 6:30 p.m. when all Councilmembers are in attendance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmembers
Himmelblau, Mullen, Snell

The Mayor announced that the zoning case had been continued.

Zoning Granted

RICHARD D.
SEIDERS
By Holford & Carson
Development
Consultants
C14-80-065

5701-5715 Springdale
Road

From Interim "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to the
site plan as provided by the
applicant.

Mr. Lillie told Council, "About two years ago, you will recall the Pecan Springs Integrated Neighborhood Association, Northeast Neighborhood Association and a number of property owners in the area bounded by Springdale Road, Martin Luther King, and Ed Bluestein, came to you as a result of the City Planning Department's initiation of a zoning request in the area. While you zoned the existing subdivisions residential, you asked that all of these groups go back, work together, develop a plan for the area. I submitted in your packet a copy of the plan. This particular zoning case is within the area that is covered by this plan. We are asking, as a staff, that we be allowed to withdraw the City's application, which is FILE NO. C14-78-064 and with the recommendation of the Planning Commission, that this plan be used as a guide for the review of all zoning cases falling within this area, that this application is recommended and the site plan has been approved on May 6th for this particular zoning case. I just wanted to bring to your attention the withdrawal request by the Department for the 1978 case. Planning Commission recommends you accept this plan as a guide for all future zoning cases that fall in the area and to recommend this particular zoning case."

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Resolution to Withdraw Zoning Case

Councilmember Mullen moved that the Council adopt a resolution to withdraw ZONING CASE NO. C14-78-064 initiated by the City of Austin. (Reference C14-80-065 above). The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that zoning case No. C14-78-064 had been withdrawn.

Zoning Case Withdrawn

ANGELA CLARIE
HOLLIEN
C14-80-068

606 West 35th Street

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the Planning
Commission

Councilmember Trevino moved that the Council withdraw the zoning case. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the zoning case had been withdrawn.

Zoning Hearings DENIED

ETHYL J.
McCUTCHEON
By T. J. Laney
C14-80-030

1724 West 6th Street
and 607 Patterson

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides.

TOM LANEY, representing the applicant, told Council that Commercial zoning is needed on this lot on West 6th because the lot is small and will not sell for residential property any more. The owner is elderly and has a contract for sale of the property.

DOUG MILLER, prospective buyer who is an architect and a builder told Council he wants to locate his office at the address and build an old Texas style building. He said there will be parking on Patterson, hidden by shrubs.

JOSEPHINE M. DENNIS, representing her mother, spoke in favor of the "O" Office zoning.

Councilmember Cooke expressed concern that there would be a problem with parking and the location of the alley.

Councilmember Trevino moved that the Council uphold the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the zoning case had been DENIED.

FIRST NATIONAL
INDEMNITY CO.
By Donn Haffelder
C14-80-060

921-925 Cardinal Lane
also bounded by 3401
Garden Villa

From "A" Residence
1st Height and Area
To "BB" Residence
1st Height and Area
NOT Recommended by the Planning
Commission

Councilmember Trevino moved that the Council uphold the Planning Commission and DENY the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Himmelblau, Mullen
Noes: None

The Mayor announced that the zoning case had been DENIED.

Zoning Case Sent Back to Planning Commission

RICHARD D. SEIDERS
By Terry J. Sasser
C14-80-050

1600-1645 East 51st
Street

From "BB" Residence and
"LR" Local Retail
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides.

PAULA BOYD, Sasser Properties, explained why they want this case to go back to the Planning Commission. She said they felt they did not get full Commission approval because of the opposition from the World Pentacostal Church. They, she said, did not intend to oppose their request but misunderstood it. The Church has in the meantime withdrawn their opposition and Ms. Boyd feels that as well as clarifying the use of their proposed facility and the boundaries of it may strengthen the Commission's view of it. Councilmember Himmelblau said, "The only thing that worries me, when we send things back to the Planning Commission, we sort of indicate we want to change." Mayor McClellan stated, "I think the record ought to reflect we aren't indicating anything, that there was a misunderstanding and applicant requested to have it heard again."

Councilmember Trevino moved that the Council send the zoning case back to the Planning Commission. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Goodman, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced the case had been sent back to the Planning Commission.

RECESS

Council recessed its meeting at 12:55 p.m. and resumed its Recessed Meeting at 2:15 p.m.

CITIZEN COMMUNICATIONS

ELECTRIC RATES

MR. M. A. LANG appeared before Council to discuss electric rates. He said when he appeared last week the Mayor had told him she was mailing him a letter. Mayor McClellan explained that since she had told him the contents of the letter during the Council Meeting she felt it would have been redundant to mail it. She told him that what he felt would satisfy him cannot be done. She said it is unfortunate, but there are a lot of other people in this situation also.

Councilmember Mullen told Mr. Lang that he had spoken with Mr. R. L. Hancock, Director of Electric Utility that morning, and there is still no remedy to Mr. Lang's problem. He said a number of people in the city had sought a resolution for Mr. Lang, but there is none and the only advice he has for him is to go through the courts.

Mr. Lang intimated that he would take the matter to court.

Mayor McClellan requested Assistant City Manager Daron Butler to write a letter to Mr. Lang stating he (Mr. Lang) has exhausted all his resources with the City Council.

CLARKSVILLE JAZZ FESTIVAL

Councilmember Goodman moved that the Council approve MR. GARY LOGSDON's request for permission to sell beer at West Austin Park, June 15, 1980 from 3:00 p.m. to 10:00 p.m., during the third annual Clarksville Jazz Festival. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None

Councilmember Himmelblau commented that this festival should be held at Auditorium Shores because the neighbors are beginning to complain.

PARADE PERMITS

Councilmember Mullen moved that the Council approve the request for a Parade Permit from DAN BRAINARD for N/W Hill July 4th Parade Committee, Friday, July 4, 1980 from 10:00 a.m. to 10:30 a.m., beginning from Far West Boulevard, Waterline Road to Doss School. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

Councilmember Mullen moved that the Council approve the request for a Parade Permit from CARR STRONG for Gay Pride Week Organizational Committee, from 10:30 a.m. to 12:00 noon, Saturday, June 28, 1980, beginning from Firetower on Town Lake, east on 1st Street to Congress, north on Congress to 11th Street, west on 11th Street to Guadalupe Street, south on Guadalupe to Wooldridge Park. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau
Noes: None

REQUEST TO WAIVE BANNER FEE

Council took no action on the request of Mr. John Kenny, to waive a \$200 fee for placing banners at two locations, M. L. King and San Antonio, and Burnet Road and North Loop, from June 2, 1980 to June 9, 1980. Mr. Kenny did not appear.

SOLAR COLLECTOR DEMONSTRATION PROJECT

MS. GAIL VITTORI appeared before Council to discuss Solar Collector Demonstration Project. She said funding for the placement of the solar collectors had been turned down, so she asked the City for money for installation. She said it would cost \$793.40 to install four collectors.

Mr. Daron Butler, Assistant City Manager, said that Mr. Pieter Sybesma should check into this. Mr. Sybesma told him his department has no funds for this type project, but Research and Budget should check. Mr. Butler suggested this item be brought back June 12, 1980 with recommendations. Councilmember Mullen requested a report on why the grant was not completed.

USAGE OF WOOD CLUBS ON PRACTICE RANGE

MR. ED RAMSEY appeared before Council to discuss the use of wood golf clubs on practice range at Lions Municipal Golf Course. He asked that the practice of using them be resumed. Mr. Leonard Ehrler, Director of Parks and Recreation, told Council it is more difficult to control wood shots rather than iron. It is the safety aspect which is the concern of those involved. He said the Manager of Golf decided to close the range two years ago because the range is too small and too short. He cited evidence of someone across the street from the driving range having to replace windows from flying golf balls.

Motion Made and Withdrawn

Councilmember Snell moved that the Council re-route joggers who cross the driving range and re-open the range for the use of wood golf clubs. The motion was seconded by Councilmember Goodman. Later, the motion was withdrawn.

Councilmember Goodman asked for a documented report of injuries incurred as a result of golf balls on this range. Councilmember Mullen pointed out that even if there have not been any injuries so far, it still might happen.

Council decided to bring this back as a City Manager Report on June 5, 1980.

ZONING CASE

No action was taken on the request of MR. KIRT H. KIESTER, attorney for County Lake, Inc., for emergency passage of ZONING CASE NO. C14-80-035, ROSA LEE PRADE.

CITIZEN DID NOT APPEAR

Mr. R. Alan Haywood, who had requested to discuss water and sewer services to approximately 56 acres of land located in the City of Sunset Valley, did not appear before Council.

REQUEST FOR WATER TO ANDERSON MILL ESTATES

Council had before them a resolution to consider authorizing an agreement with Northwest Travis County MUD (Municipal Utility District) No. 2, Spicewood Development Corporation, and Anderson Mill Estates, Section IV.

Mr. Bulloch, Director of Water and Wastewater, reported as follows:

"After further review of the issues surrounding development of this subdivision and potential provision of water service, I would like to provide you with additional information and a recommendation. It appears to me that Mr. Glenn Neans, the developer of this subdivision, was led to believe that he could receive water through the MUD by metering off the back side of the MUD. It was based upon the belief that Mr. Neans ran the water line approximately 700 feet, at his expense, to a point where he could tie onto the MUD line at the appropriate time.

"While Mr. Neans was certainly keeping his options open during the four year history of this 21-lot subdivision, looking for the least cost water service approach, it appears that the Water and Wastewater Department was working towards recommending service through the MUD.

"As previously stated, I cannot recommend this approach. However, in this situation, I would recommend that Council consider water service to this 21-lot subdivision if it is annexed into the MUD. I am recommending this approach only because of the previous discussions between the department and the developer. Previously, the Water and Wastewater Department has supported annexation requests to the Williamson County MUD #1 in lieu of creation of additional MUD's in the area."

MR. JIM VOIGHT, representing Anderson Mill Estates, said they need water badly and have supplied Council with the documents which they requested last week during discussion of the request for water. Councilmember Himmelblau said she wants the MUD to petition to annex before supplying them with water. Mr. Voight told Council Anderson Mills had acted in good faith when they were told previously, there could be a hook-up. Councilmember Himmelblau pointed out to him that the question of sub-metering did not come to Council or to her office. Mr. Bulloch said that of the 21 houses in Section IV, one house is already occupied and two are ready for occupancy. Councilmember Himmelblau asked how they are permitted to move in and Mr. Bulloch told her they are on wells.

Motion

Councilmember Mullen moved that the Council approve the request for water with bonding or a letter of credit. The motion was seconded by Councilmember Goodman.

City Attorney Jerry Harris asked what they want in the letter of credit so he could have something in hand. He said once Anderson Mill is hooked up for water, "you are not going to get them off there just because they don't come back with a request to annex into the MUD...what kind of penalty do you want to put on these people in the event they do not do what you want?" He then explained what is usually done in annexation. "We get a petition from the Board of Directors of the MUD, signed by the people of the land which is going to be annexed, petition the City Council's consent to the annexation of the MUD, and an agreement by the parties who are going to be annexed that they will comply with the terms and conditions that were entered into and the agreement about the annexation of the MUD and that's the only way you are going to sew this thing up if the Council's desire is to have this property annexed to the MUD and have the property owner comply with the original terms and conditions as to how that MUD is going to be developed." There was discussion among the Council.

BARRY CAMPBELL, engineer for Anderson Mill IV, said the original request was to supply water through the MUD to "our development and we would purchase the water. That was disapproved by Mr. Bulloch. My understanding was that if we have assurances the MUD will annex, then water would be supplied but the original intent, and I have dealt with Mr. De La Rosa on this and he has a contract to that effect, was to sell water through the MUD to Anderson Mill Estates. And it was only after the meeting last week that we were told that if you get a letter of intent from the MUD that they are willing to annex, plus a letter from the Water and Wastewater Department that the line..."

Substitute Motion

Councilmember Himmelblau moved that, until Council receives a petition from the Municipal Utility District with their intention to annex, no utilities will be connected. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers
Cooke, Himmelblau, Snell
Noes: Councilmembers Goodman, Mullen

Mr. Voight stated, for the record, that the MUD is in favor of annexation.

Motion

Councilmember Goodman moved that the Council request Northwest Travis County Municipal Utility District No. 2 to annex Anderson Mill Estates, Section IV. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,
Mullen, Snell, Trevino
Noes: None

Council had before them a resolution to approve policy guidelines for City of Austin Housing Programs administered by the Austin Redevelopment Authority. Councilmember Himmelblau said she wanted to know if these guidelines are broad enough or if they have anything to actually approve at this time. Councilmember Trevino stated, "We were advised by members of ACORN there had been an agreement between their organization and ARA to postpone this for 60 days, at which time representatives from ARA, ACORN and CDC would sit together on a weekly basis and refine the guidelines. That was my understanding yesterday, and this morning we asked Tom (Knickerbocker) to make sure that was the correct information."

MR. TOM KNICKERBOCKER, Director of Austin Redevelopment Authority (ARA), told Council that they had a meeting with ACORN and have agreed to meet every two weeks with their staff to inform them of the processes they use to show them how people go through the system. The problems ARA runs into and the problems that the clients ACORN has been working with run into. He said ACORN wants this postponed 60 days and that they (ACORN) have discussed this with Councilmembers. Councilmember Mullen said, "They have not talked to me. Let me tell you that my gripe with ACORN is that they do not tell the truth. That is the way it is. I do not believe them or they make statements...I've had personal experience with them making statements and then coming here and making a totally different comment. So when they say ACORN visited the Council, I've never seen them, Betty has never seen them and the Mayor says they've never seen them." Councilmember Himmelblau said they were in her office. Mr. Knickerbocker said they have asked ACORN to meet with them every two weeks because they do not understand the issues of pay phones, houses, etc.

Motion

Councilmember Mullen moved that the Council approve the policy guideline for City of Austin Housing Programs administered by the Austin Redevelopment Authority. The motion was seconded by Mayor McClellan.

Councilmember Trevino said he had been advised ACORN would have someone in the Council Chamber at 3:00 to answer questions regarding this.

Motion Withdrawn

Councilmember Mullen withdrew his motion and Mayor McClellan withdrew her second, to wait for ACORN's appearance in the Council Chamber.

Later in the meeting, IGNACIO TREVINO from ACORN was in the Council Chamber. Councilmember Trevino explained to him the conversation in the Council Chamber which had taken place earlier. Mr. Ignacio Trevino said they had met with ARA yesterday and are opening up communications regarding approval of the guidelines. He said he is pleased ARA is receptive to some of their suggestions, and thinks it would take about 60 days to review everything meeting once a week for two hours.

Mr. Knickerbocker said he is not empowered with that decision, only the Board is. He continued with an explanation of what was said and what has been done, and opinions expressed.

Motion

Councilmember Mullen moved that the Council approve the policy guideline for the City of Austin Housing Programs administered by the Austin Redevelopment Authority. The motion was seconded by Mayor McClellan.

Councilmember Trevino said many individuals are concerned with the past performance of ARA, and to minimize what ACORN has done is an insult because this is the first time the entire City Council has gone out and looked at the job ARA has done on several houses. Councilmember Mullen said he does not want ACORN to have the power to go to ARA, get compromises that they will then bring together and bring to Council. He wants ARA to continue to work with ACORN and help educate them in the areas where they need it.

Substitute Motion - Failed

Councilmember Trevino moved that the Council approve the points ARA and ACORN have agreed to and refine others. The motion, seconded by Councilmember Goodman, failed to carry by the following vote:

Ayes: Councilmembers Snell, Trevino, Goodman
Noes: Councilmembers Himmelblau, Mullen, Mayor McClellan,
Councilmember Cooke

Roll Call on Original Motion

Councilmember Mullen moved that the Council adopt a resolution to approve policy guidelines for City of Austin Housing Programs administered by the Austin Redevelopment Authority. The motion was seconded by Mayor McClellan and roll call showed the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,
Councilmember Cooke
Noes: Councilmembers Goodman, Snell, Trevino

Councilmember Himmelblau pointed out that the guidelines can be amended at any time. Councilmember Trevino advised ARA not to do any printing yet.

RETIREMENT FUNDS

Council had before them for consideration an ordinance amending the 1979-80 Operating Budget by appropriating \$4,937.00 from the General Fund Ending Balance for discretionary investment management for the following:

1. Employees' Retirement and Pension Fund
2. Fireman's Relief and Retirement Fund
3. Police Retirement Fund

and authorizing the appointment of Duff & Phelps, Inc. to provide this service for the remainder of FY 1979-80 and for FY 1980-81.

May 29, 1980

Mr. Norman Barker, Finance Administrator, reported to Council as follows: "What we have at hand is a change in operation of some kind in the three City retirement boards. Heretofore the ordinance has read, and it was executed in that manner, that the Finance Administrator have the responsibility and authority to make investments for the three systems. And we operated in that fashion. Absent a Finance Administrator, as of Saturday, work was done to perpetuate and enhance the City's three retirement systems investment ability and quality. So we set out in that direction.

"About 10 years ago, the City of Austin, through the Retirement System, at that time the firemen and the employees, after some research..such research as we were capable of, made a decision to hire the firm of Duff & Phelps to assist the City of Austin because of their national reputation in the investment field. And they have performed. We have subscribed to their service; their people have come down on at least a quarterly basis and advised us as to the investments to make. On any major investment or any change in direction, we have been on the telephone with Duff & Phelps and they have advised us on the prudent way to go and we have executed in that fashion, always bearing in mind that I had the responsibility of making these investments.

"It became apparent about 6 or 8 months ago that there would be a change. The retirement systems voted to broaden the scope of the employment of Duff & Phelps. They had been investment advisors. The broadening of the scope would merely mean that instead of just being advisors, they would have the responsibility and the authority to make these decisions and tell the Retirement System what to purchase. We are just broadening, to some extent, the authority we already had placed in Duff & Phelps. The Firemen voted forthwith to enlarge their scope with Duff & Phelps and the Employees' Retirement System cast a vote, but during the casting of that vote, one of the local banks wanted to be considered as what are called discretionary money managers, for lack of a better term, for the fund and wanted to be considered. The matter was never brought up to the Firemen. It's still final as far as they are concerned. The Retirement Board voted to reconsider and to allow the banks to make such presentations as they desired. Bearing in mind one bank had made an appearance at that time, the Board decided that they would broaden the bank participation to every bank in Austin that had the capability of a trust department, which was four banks in this town. They formed a sub-committee to listen to these presentations and to make a recommendation to a full Board. We did that, we hired an evaluation firm to assist us in making a decision, but the decision rested with the Board and the recommendation rested with the sub-committee. We heard these presentations and another bank, a New York bank also made a presentation."

Mayor McClellan asked how the New York bank heard of this. Mr. Barker said he does not know how they were informed. He said it never was a consideration of the Board to open this back up.

Mr. Barker continued, "The scope of the employment of A. S. Hanson to help us evaluate the presentations was only to evaluate that which was brought to them. Our Retirement Board made the specifications, totaled up what we wanted them to answer questions on, gave them a broad outline and the sub-committee of the Retirement System and the Board, I assume, had in those requirements and requests the things they wanted to hear.

"After they made the presentation we asked A.S. Hanson to help us and they said we cannot give you a total evaluation because we do not formulate the questions nor set the conditions but under the conditions that exist here are our evaluations of the different companies and for you to make your decision. We went back and asked them if they would please give us some idea of priority, even though it was fairly evident to us we wanted it put in writing and they did, still stating they were not hired to make the decision for us and to which we agreed. On the basis of that, our sub-committee recommended to the Retirement Board that they employ Duff & Phelps.

"The firemen never re-opened the issue. They went Duff & Phelps. The policemen, in the meantime sat in on all these evaluations. They wanted to add another name to their evaluation. We gave the policemen copies of all the written material we had. They subsequently voted unanimously, with one abstention, to employ Duff & Phelps. So the three Boards that the City Council has empowered with responsibility to invest these funds with very probably fiduciary responsibility that is not too definable now, chose, at independent times, to employ Duff & Phelps. Part of the reason, of course, is their national reputation. We were impressed with the depth of their research, impressed that in the fairly recent past had hired people who were in the money managing business and were informed they had hired the best people they could find. That's the chronology of what has happened as best as I can tell you."

GEORGE MERRIWEATHER, Senior Vice-President and Execustive Trust Officer, Austin National Bank, told Council they are the oldest and largest bank in Austin and one of the largest taxpayers in the City. They are the 11th largest bank in the State of Texas and their trust department with \$300,000,000.00 is the 10th largest in the United States. He said they currently serve as advisors for employee benefit trusts for 140 companies and serve as a discretionary agency for several boards and trustees statewide and private with domiciles ranging from San Antonio to Dallas. "Our trust department is ably staffed with qualified professionals who in turn are supported by one primary source of investment, research consisting of 12 leading analysts and a staff approaching 200 plus two other major sources of investment research. These are in addition to the normal sources of research information available to all advisory groups. Our Board of Directors, through its trust committee, dictates the high standards of fiduciary policy. All of our actions are reviewed monthly and are subject to annual external and internal audit and examinations by the Controller of the Currency."

He continued by saying the City of Austin has been blessed for the past 20 years to have an in-house advisor in Mr. Norman Barker. He said with Austin National Bank's fully qualified services, they have difficulty with the idea of "our City having to hire direct competition out of Chicago. Our fee schedule is below the one being considered. Austin National Bank is here and we want the opportunity to serve our City of Austin."

JIM HUME, Senior Vice-President and Senior Managing Officer of the Capital National Bank, told Council, "The Capital National Bank would be distressed and disappointed, not only as taxpayers but as active, involved taxpayers of this community, to see a decision such as what has been proposed, made, by reason of the fact it is the taxpayers of the city who ultimately pay the cost to fund this plan and it relates to the performance. Capital National Bank made

a quality proposal based on merit offering not only the services of the trust division of Capital but to the extent possible by reason of law, of the full force and services of the Texas Commerce Bancshares, including their research and staff as well as the research and staff we use from a major west coast advisory service. I urge you most diplomatically to seriously consider a healthy, competitive process and a selection on the basis of merit as determined by objectivity."

PETE FOSTER, Senior Vice-President and Trust Officer, American Bank, appeared before Council and said, "I think part of the reason we have representatives here from Austin, Capital and American National Banks, is a little bit of concern relating to the factors and criteria that were employed by the prospective Board of Trustees in making the decision to employ the Chicago based firm of Duff & Phelps. We participated as did Austin and Capital in making presentations to a sub-committee that was impaneled by the Board of Trustees of City Employees and Policeman's Fund. Subsequent to the reports, A. S. Hanson presented to us a brief synopsis of the reports made. There is absolutely no evidence from our reading of that report or from the Minutes of the prospective Board of Trustee meetings as to what factors and criteria were employed by the various boards in selecting Duff & Phelps over what we considered to be the qualified Austin competition. The report contains a cursory synopsis of the various organizations. The Minutes of the Fireman's Relief and Retirement Fund which reflect the recommendation of the appointment of Duff & Phelps give no justification for the appointment. Likewise the Minutes of the City Employees' Retirement Fund and the Police Retirement Fund really give us no insight or guideline as to what factors and what criteria were used to choose Duff & Phelps over the American National Bank or over the other Austin competition. What we would like to see is some form of independent inquiry or assessment by the City Council of what the factors were."

Mayor McClellan said she had discussed this with Mr. Barker because she looks doubly careful if they are going out of city and particularly out of state and Mr. Barker knows that. Mr. Barker said the decision for additional duties was someone who had already had been hired and who had a track record of 10 years which had been satisfactory in every way.

Councilmember Mullen stated, "I spent eight hours on this Committee. It's not any fun at all. You don't get any political contributions from Duff & Phelps, you don't get any votes from Duff & Phelps, you don't get any assistance when it comes election time, but you make a decision that you think is right for the Retirement System based on information that the Committee unanimously decided it was best for the Retirement System to go with Duff & Phelps. You may not agree with that, but I suggest if you don't that you be the one to sit through 8 hours of hearings for just 5 firms. If you want to take in Texas you might include two weeks of hearings and then if you want to take the rest of the United States it would take a month. ... You cannot say just because you are a taxpayer here in town that it entitles you to the right to business. We buy things from all over the United States in competition with people in Austin, Texas. ...It is our belief we would get a better return on the investment if we use Duff & Phelps."

Councilmember Cooke asked what the primary consideration in selection of Duff & Phelps. Mr. Barker told him 1) what is the track record; 2) the extent and depth of personnel and principles; 3) general evaluation of who the firm has been working for.

MR. BOB MILNE of Duff & Phelps appeared before Council and stated his firm is the largest professional financial analyst composed of people of stature. He said it is important to understand companies where investments are made.

Councilmember Cooke expressed his respect for the local banks but he did not study the situation for 8 hours and thought the contract should be awarded to Duff & Phelps through the end of the year. He thought perhaps the criteria should be changed.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1979-1980 BY APPROPRIATING \$4,937.00 FROM THE GENERAL FUND ENDING BALANCE TO FUND THE SERVICES OF DUFF & PHELPS, INC. TO PROVIDE DISCRETIONARY INVESTMENT MONEY MANAGEMENT COUNSEL FOR THE EMPLOYEES' RETIREMENT AND PENSION FUND, FIREMEN'S RELIEF AND RETIREMENT FUND AND POLICE RETIREMENT FUND; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau Mullen, Snell, Trevino
Noes: Councilmember Goodman, Mayor McClellan

The Mayor announced that the ordinance had been finally passed.

Mr. Davidson, City Manager, told Council that if the present Council motion stands, he will immediately get criteria and have options on the table by mid-1981.

ASSISTED HOUSING PROGRAMS IN AUSTIN

Council had before it for consideration the appointing of the Board of Commissioners of the Austin Redevelopment Authority (ARA) as responsible for comprehensive development and coordination of assisted housing programs in Austin.

Councilmember Trevino said, "Based on the public hearings we had last week, I suggest we create a Task Force, instead of just naming ARA to do this and I think Mrs. Himmelblau also suggested that." Mayor McClellan said they had talked of a housing conference and Councilmember Himmelblau said that is what she had spoken to rather than the Task Force. Councilmember Trevino said that many of the agencies do not know what the other agency is doing and it creates confusion. He said priorities should be established as to whether to put money

in re-hab, homes for the elderly...what? Mr. Knickerbocker, Director of ARA, said it is appropriate for a conference as a starting point because right now, in Congress, committees in both houses are working up a Housing Block Grant Bill that will provide, if passed, a similar thing to the City's block grant program but dedicated to housing. And when that happens the cities are going to be given responsibility under current elements...the whole role.

After more discussion, Mayor McClellan asked the City Manager to prepare suggestions for dates when the conferences can begin. Mr. Davidson told Council he will report back in a few weeks. In the meantime, the assisted housing programs in Austin will continue as is.

BOARDS AND COMMISSIONS

Board of Equalization

Councilmember Himmelblau moved that the Council appoint:

Leonardo DeLaGarza - term to expire 5-31-81

Frank P. Wood - term to expire 5-31-81

Reedy M. Spigner - term to expire 5-31-81

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Snell,
Trevino, Mayor McClellan

Noes: None

Appointments to be Made

The Mayor announced the following Board and Commission appointments are due to be made June 5, 1980:

Dental Health Advisory Committee - 4

On-Going of Goals Assembly Committee - 1

Commission on the Status of Women - 2

Private Industrial Council - 6

Board of Equalization - 3

Electric Utility Commission - 1

Planning Commission - 4

Manpower Advisory Planning Council - 1 (to replace Andrea Beatty)

LEGAL COUNSEL FOR STNP

Councilmember Goodman introduced an item to Council for their consideration for additional legal counsel for City of Austin in connection with the South Texas Nuclear Project (STNP) proceedings and litigation. He asked the City Manager to prepare a report on the method of selection. He suggested they check to see what San Antonio and other cities are doing.

Mayor McClellan asked that this item be brought back June 26, 1980 for action. City Attorney Harris said the Council can have some information prior to that date.

ADJOURNMENT

Council adjourned its Council Meeting at 5:05 p.m.

APPROVED


Mayor

ATTEST:



City Clerk